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No. 200

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, to whom a thousand years are but a moment, help us to maximize today's possibilities with humble and grateful hearts.

Lord, please bring peace on Earth and goodwill to humanity.

Lord, have mercy upon the Ukrainian people as they seek to survive warfare during a freezing and fearful Christmas. Remind us all that humanity is wrapped up in a blanket of mutuality and tied to a single garment of destiny.

Continue to use our lawmakers as instruments of Your peace, empowering them to make the rough places smooth and the crooked places straight.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Ms. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, it was very late last night for those of us who were here and the staff. At 2 a.m. is when we finished, 2:01, to try to reach an agreement on finishing the omnibus bill. We are getting ever closer to reaching an agreement, but we are still not there. I hope that we will lock in an agreement sometime later this morning.

In the meantime, we will start today with a vote on the confirmation of Franklin Parker to serve as Assistant Secretary of the Navy.

I want to thank my colleagues from both sides of the aisle for their cooperation. I thank the clerks for being here late, late last night as we waited and waited and waited for an agreement, which hasn't yet come, and for showing up early this morning.

And I hope we can finish the omnibus today. There is no reason why we can't. The bill is so important to get done because it will be good for families, for veterans, our national security, even for the health of our democratic institutions. To go to a CR or, even worse, a government shutdown, would be a huge disservice at any time, but particularly in the holiday season, to the American people.

To ensure that we minimize any delays, I ask Members to stay near the floor and be ready to get voting when the time comes. If we can keep this process moving, we can finish in time for Members and staff to get home for Christmas safely, before the blizzard wreaks havoc across much of the country.

I yield the floor.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Franklin R. Parker, of the District of Columbia, to be an Assistant Secretary of the Navy.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the Parker nomination?

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. KENNEDY), the Senator from Nebraska (Mr. SASSE), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—70 yeas, 22 nays, as follows:

[Rollcall Vote No. 406 Ex.]

YEAS—70

Baldwin  
Bennet

Blumenthal  
Blunt

Booker  
Brown

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Cantwell	Inhofe	Rosen
Capito	Kaine	Rounds
Cardin	Kelly	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Collins	Leahy	Sinema
Coons	Lujan	Smith
Cornyn	Manchin	Stabenow
Cortez Masto	Markey	Sullivan
Duckworth	McConnell	Tester
Durbin	Menendez	Thune
Ernst	Merkley	Toomey
Feinstein	Moran	Van Hollen
Fischer	Murkowski	Warner
Gillibrand	Murphy	Warnock
Grassley	Murray	Warren
Hassan	Ossoff	Whitehouse
Heinrich	Padilla	Wicker
Hickenlooper	Peters	Wyden
Hirono	Portman	Young
Hoeben	Reed	
Hyde-Smith	Romney	

## NAYS—22

Blackburn	Hagerty	Risch
Boozman	Hawley	Rubio
Braun	Johnson	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cotton	Lee	Shelby
Crapo	Lummis	Tuberville
Cruz	Marshall	
Daines	Paul	

## NOT VOTING—8

Barrasso	Graham	Sasse
Burr	Kennedy	Tillis
Cramer	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

# AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023

The PRESIDING OFFICER. The Senate will resume legislative session.

The clerk will report the pending business.

The legislative clerk read as follows:

House message to accompany H.R. 2617, a bill to amend section 1115 of title 31, United States Code, to amend the description of how performance goals are achieved, taking action on the following amendments and motions proposed thereto.

Pending:

Schumer motion to concur in the amendment of the House to the amendment of the Senate No. 4 to the bill, with Schumer (for Leahy) amendment No. 6552, in the nature of a substitute.

Schumer amendment No. 6571 (to amendment No. 6552), to add an effective date.

Schumer motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Schumer amendment No. 6572, to add an effective date.

Schumer amendment No. 6573 (to the instructions (amendment No. 6572) of the motion to refer), to modify the effective date.

Schumer amendment No. 6574 (to amendment No. 6573), to modify the effective date.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following

be the only matters remaining in order to the House message with respect to H.R. 2617; that the amendments be called up en bloc, reported by number, and considered in order: Paul, No. 6561, and a motion to waive; Johnson, No. 6555; Johnson, No. 6559; Sinema-Tester, No. 6621; Lee, No. 6563; Lee, No. 6576; Lankford, No. 6577; Braun, No. 6569; Cassidy, No. 6558; Padilla-Cornyn, No. 6588; Graham, No. 6596; Merkley, No. 6595; Klobuchar-Lee, No. 6597; Gillibrand, No. 6607; Menendez-Cotton, No. 6617; that the Senate then proceed to the immediate consideration of the Scott of Florida bill that is at the desk; that the bill be considered read a third time and the Senate vote on passage of the bill; that if the bill is passed, the motion to reconsider be considered made and laid upon the table; that upon disposition of the Scott bill, the Senate resume consideration of the House message; further, that the Senate then vote on the motion to waive, if made, and in relation to the amendments in the order listed; that upon disposition of the amendments, the motion to refer be withdrawn, amendment No. 6571 be withdrawn, and the Senate then vote on the motion to concur in the House amendment to the Senate amendment No. 4 to H.R. 2617 with amendment No. 6552, as amended, if amended, with 2 minutes for debate equally divided between each vote and all votes after the first vote be 10-minute votes, with 60 affirmative votes required for passage of the Scott bill, the motion to concur with amendment, and the adoption of all amendments except No. 6555, No. 6577, No. 6563, and No. 6576; finally, that if the motion to concur with amendment is agreed to, the motion to reconsider be considered made and laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, we have an agreement now. We will vote on all of the amendments in order and then vote on final passage. It has taken a while, but it is worth it. And I appreciate the cooperation of everyone here.

The first vote will take a while, until the Members can assemble. But after that, I hope, we intend that everyone will sit in their seat and we vote through the amendments quickly. As we know, the storm is coming. We want to have people vote, get the bill done, but then be able to go home once we have done our work.

So please cooperate, and no appointments far away. We are going to vote quickly, 10-minute votes on each, and, hopefully, Members will sit in their chairs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 6561, 6555, 6569, 6621, 6563, 6576, 6577, 6569, 6558, 6588, 6596, 6595, 6597, 6607, 6617

The PRESIDING OFFICER. Under the previous order, the following amendments will be called en bloc and reported by number.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendments en bloc numbered 6561, 6555, 6569, 6621, 6563, 6576, 6577, 6569, 6558, 6588, 6596, 6595, 6597, 6607, 6617.

The amendments are as follows:

## AMENDMENT NO. 6561

(Purpose: To increase the voting threshold for budget points of order)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . VOTING THRESHOLD FOR BUDGET POINTS OF ORDER.

(a) DEFINITION.—In this section, the term “covered point of order” means a point of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), or a concurrent resolution on the budget.

(b) VOTING THRESHOLD.—In the Senate—

(1) a covered point of order may be waived only by the affirmative vote of two-thirds of the Members, duly chosen and sworn; and

(2) an affirmative vote of two-thirds of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a covered point of order.

## AMENDMENT NO. 6555

(Purpose: To eliminate all earmarks in the bill)

On page 6, after line 2, add the following:

## SEC. 7. ELIMINATION OF EARMARKS.

(a) IN GENERAL.—Notwithstanding any other provision of any division of this Act—

(1) no amounts shall be made available for a purpose specified in any table relating to congressionally directed spending in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or for any congressionally directed spending in any division of this Act, and each such item of congressionally directed spending is null and void;

(2) each appropriation under any division of this Act shall be reduced by the amount of any allocation of such appropriation for congressionally directed spending items that is made null and void by paragraph (1); and

(3) each allocation of an appropriation under any division of this Act shall be reduced by the amount of any further allocation of such allocation of an appropriation for congressionally directed spending items that is made null and void by paragraph (1).

(b) REPORT.—The Director of the Office of Management and Budget shall submit to Congress a report indicating the final amount appropriated for each appropriation account for which amounts are made available under any division of this Act and the amount of each allocation of such an appropriation, as reduced in accordance with subsection (a).

## AMENDMENT NO. 6569

(Purpose: To eliminate a waiver of State immunity)

Strike section \_\_\_\_ 6 (relating to a waiver of State immunity).

## AMENDMENT NO. 6621

(Purpose: To appropriate amounts for the Executive Office for Immigration Review, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, the